

# EXHIBIT D

**From:** Giovannetti, Joseph (HEALTH) Joseph.Giovannetti@health.ny.gov  
**Subject:** FW: Inv No. DOH-0905(c) and Faiz Khan v. James McDonald, Joseph Giovannetti, Brian Cruz, Lawrence Burrell et.al. US District Court EDNY Case No. Civil 2:24-cv-04745-ST  
**Date:** July 10, 2024 at 4:50 PM  
**To:** jgs@jacquessimon.com  
**Cc:** Rysedorph, Danielle L (HEALTH) Danielle.Rysedorph@health.ny.gov, Burwell, Lawrence (HEALTH) Lawrence.Burwell@health.ny.gov, Cruz, Brian (HEALTH) Brian.Cruz@health.ny.gov



Counsel,

You misspelled my email address below. Presumably the error is why you were unsuccessful in reaching me prior. Please see the subpoena that was served on your client, and which you attached to your filing, for the correct spelling.

Please instruct your client to preserve all material in his possession relevant to our subpoena and his vaccination practice. **Concealment, alteration, or destruction of this material may subject him to prosecution.**

I've cc-ed Danielle Rysedorph, Deputy Director, Bureau of Litigation. Please direct all future communication regarding this matter to Ms. Rysedorph or her designee. If you need further assistance connecting with her, I'll be happy to assist.

Thank you,

Joe Giovannetti

**Joseph A. Giovannetti, Esq.**  
Director, Bureau of Investigations | Division of Legal Affairs  
**New York State Department of Health**  
Corning Tower, Empire State Plaza, Albany, NY 12237  
P: (518) 703-1344 | [joseph.giovannetti@health.ny.gov](mailto:joseph.giovannetti@health.ny.gov)

<https://www.health.ny.gov/>

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**From:** Jacques Simon <[jgs@jacquessimon.com](mailto:jgs@jacquessimon.com)>  
**Sent:** Wednesday, July 10, 2024 3:35 PM  
**To:** Burwell, Lawrence (HEALTH) <[Lawrence.Burwell@health.ny.gov](mailto:Lawrence.Burwell@health.ny.gov)>  
**Cc:** Cruz, Brian (HEALTH) <[Brian.Cruz@health.ny.gov](mailto:Brian.Cruz@health.ny.gov)>; [joseph.giovanetti@health.ny.gov](mailto:joseph.giovanetti@health.ny.gov) <[joseph.giovanetti@health.ny.gov](mailto:joseph.giovanetti@health.ny.gov)>; Jacques Simon <[jgs@jacquessimon.com](mailto:jgs@jacquessimon.com)>  
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Investigators Giovannetti, Burwell and Cruz:

I represent Dr. Faiz Khan with respect to the above referenced matter. I repeatedly attempted to reach investigator Giovannetti regarding this matter to no avail. I now prefer to talk to your counsel in light of the instituted federal litigation. Please have them contact me.

Please be advised that an action has been commenced against you collectively in the United States District Court for the Eastern District of New York along with other defendants challenging the subpoena dated June 11, 2024 as well as your actions described in the Verified Complaint including the entire purported investigation against Dr. Khan. Summonses have been issued to each one of you and the same will be served shortly. In addition, in the next day or so we will be seeking via motion the temporary relief sought in the complaint. I am annexing copies of the Federal Complaint as well as copies of the summonses which have been issued to each one of you today.

The purpose of this email is to place all three of you on notice that this action now exists and that the subpoena as well as your own conduct of this investigation is being challenged in federal Court because of what appears to be serious constitutional violations as stated in the Complaint. Please direct all communications to me in writing. Please forward this email along with the federal documents to your attorneys for further communication and review. Direct contact and communication with Dr. Khan is hereby prohibited. Further entries and searches of his office shall be brought to the attention to the magistrate and the US District judge assigned to this case.

This email constitutes formal notice that the subpoena has been challenged on the grounds stated in the complaint, and that the Plaintiff is asserting his Fourth Amendment rights to do the same. Please be guided accordingly.

JACQUES G. SIMON, ESQ.  
Attorney at Law

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200 Garden City Plaza  
Suite 301  
Garden City, NY 11530  
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on[1].pdf

Monday, July 15, 2024 at 19:09:37 Eastern Daylight Time

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**Date:** Wednesday, July 10, 2024 at 5:34:02 PM Eastern Daylight Time  
**From:** Jacques Simon  
**To:** Giovannetti, Joseph (HEALTH)  
**CC:** Rysedorph, Danielle L (HEALTH), Burwell, Lawrence (HEALTH), Cruz, Brian (HEALTH), Jacques Simon

Attorney Rysedorph:

I am traveling on business but I will be back in the office this Friday if you wish to discuss the pending complaint with me. If not, we will be proceeding with motions and appropriate relief in EDNY. Best regards.

Director Giovannetti:

Thank you for referring the case out to your counsel. I believe this is the last time I can address you directly since you will be represented by counsel. Please rest assured that my client is not a criminal nor a violator of the law who destroys medical documentation as you unwarrantedly assume and suggest below.

I am not sure what you have learnt about him but insofar as I know he has an illustrious career in Emergency and Internal Medicine and he is one of the founders of City MD.

JACQUES G. SIMON, ESQ.  
Attorney at Law

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